

## **RESOLUTION NO. 28-2014**

### **RESOLUTION OF INTENT TO ADOPT MADISON COUNTY AIRPORT AFFECTED AREA REGULATIONS**

WHEREAS, Section 67-7-102, MCA, describes the legislative finding and purpose for airport affected areas as: The legislature finds that tall trees and structures and certain types of development located in the vicinity of airports endanger the lives and property of users of the airport and of occupants of land in its vicinity. The legislature also finds that the location of tall trees and structures and certain types of development near airports reduces the area available for landing, taking off, and maneuvering aircraft and increases the likelihood of legal action against a local government for noise nuisance, thus destroying the utility of the airports and the public investment in them. It is the purpose of this chapter to promote the public health, safety, and general welfare by the delineation of an airport affected area and by the development of compatible noise, height, and land use regulations to control airport hazards. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and in which political subdivisions may acquire land or property interests; and

WHEREAS, Section 67-7-201, MCA, requires that a governing body that owns or controls an National Plan of Integrated Airport Systems (NPIAS airport designate the airport affected area, develop regulations, and provide maps and descriptions of the airport affected area; and

WHEREAS, Madison County owns two NPIAS airports, the Ennis Big Sky and Twin Bridges Airports (Airports); and

WHEREAS, in accordance with 67-7-203, MCA, the Madison County Airport Board, with assistance from the Madison County Planning Board, has prepared the draft Madison County Airport Affected Area Regulations document that designates the airport affected areas, includes maps and descriptions of the airport affected area, and regulates the effects of noise, height of structures and trees, lighting and land use in the vicinity of the Airports; and

WHEREAS, the designated airport affected areas are within the jurisdiction of Madison County; and

WHEREAS, copies of the proposed Madison County Airport Affected Area Regulations were made available for at least 2 weeks prior to a public hearing at the following locations: Madison County Commissioners Office, Planning Office and Courthouse in Virginia City; public libraries in Ennis, Twin Bridges and Virginia City; Choice Aviation at Ennis Big Sky Airport and Ruby Valley Aviation at Twin Bridges; and the Madison County website; and

WHEREAS, on July 14, 2014, the Madison County Airport Board held a duly noticed public hearing on the proposed Madison County Airport Affected Area Regulations; and

WHEREAS, no public comment was received by the Madison County Airport Board prior to or at the public hearing; and

WHEREAS, after due consideration and discussion the Madison County Airport Board found that the proposed Madison County Airport Affected Area Regulations meet the requirements of Title 67, Chapter 7, MCA and recommended that the Madison County Board of Commissioners adopt the proposed Madison County Airport Affected Area Regulations; and

WHEREAS, the Madison County Board of Commissioners has reviewed the proposed Madison County Airport Affected Area Regulations and wishes to solicit additional public comment on its adoption;

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Commissioners hereby:

- (a) Adopts this Resolution of Intent to Adopt Madison County Airport Affected Area Regulations; and
- (b) Schedules a public review and comment period, to culminate in a public hearing at 10 a.m. on August 11, 2014, in the Commissioners Conference Room at the Madison County Annex, 205 N. Broadway, Virginia City.

Review copies of the document are available at: (1) Madison County Commissioners Office, Madison County Planning Office and Madison County Courthouse in Virginia City; (2) Public libraries in Ennis, Twin Bridges and Virginia City; (3) Choice Aviation at Ennis Big Sky Airport and Ruby Valley Aviation at Twin Bridges Airport; and (4) Madison County website, [www.madison.mt.gov](http://www.madison.mt.gov). Written comments on the proposed Madison County Airport Affected Area Regulations should be sent to the Madison County Board of Commissioners at P.O. Box 278, Virginia City, MT 59755, fax (406) 843-5517, or e-mail [madco@madison.mt.gov](mailto:madco@madison.mt.gov). Written comments must be received by close of the August 11, 2014, public hearing.

PASSED and ADOPTED by the Madison County Board of Commissioners this 21<sup>st</sup> day of July, 2014.

ATTEST:

APPROVED:

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Peggy Kaatz-Stemler  
Clerk and Recorder  
Madison County

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James P. Hart, Chairman

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David Schulz

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Dan Happel  
Board of Commissioners  
Madison County